

BOARD OF SELECTMEN
MEETING MINUTES
August 21, 2018

Call to Order

Chairman Kevin Morse called the Board of Selectmen (BOS) meeting to order at 7:00 PM in the Resource Room of the Municipal Center.

ATTENDANCE:

Board: Kevin Morse (Chair), Tim Bonin, David Cortese (Vice Chair), Hal Davis (Absent), Mike Hughes, Matt Wojcik (Town Administrator), Suzanne Kane (Administrative Assistant-Absent)

Other Staff and Citizens: Police Chief Nick Miglionico, Cindy LaFrance, Gary Vecchione, Kevin Sughrue, Charles Thompson, Atty. Rich Bowen, Adam Bagdis, Steve Bagdis, Carol Bagdis and other staff and citizens.

- **Pledge of Allegiance (00:12)**
- **Chairman's Announcements (00:18)**
There were no announcements.
- **Citizen's Forum (00:36)**
No one came forward.

1. 7:06 PM Public Hearing: One Day Liquor License-Octoberfest-Possible Vote(s) (06:20)

In the packet is an application, a letter from the Douglas Historical Society, an abutters list, maps and related materials.

Mr. Morse opened the public hearing and read Ms. Kane's memo. The application is to serve beer and wine at Octoberfest on October 6, 2018 from 9:30 AM – 4:00 PM. The application is complete and abutters have been notified.

Mr. Hughes made a motion at 7:07 PM to close the public hearing. Mr. Bonin seconded the motion. All-Aye.

Mr. Hughes made a motion to approve the One Day Liquor License for Octoberfest for October 5 – October 7, 2018. Mr. Cortese seconded the motion. All-Aye.

2. 7:17 PM Public Hearing: One Day Liquor License-The Grille on Main-Possible Vote(s) (17:03)

In the packet is an application, a Certificate of Liability, an abutters list, maps, memos and related materials.

Mr. Morse opened the public hearing. He read Ms. Kane's memo. The pig roast is September 8, 2018 from 2:00 PM – 6:00 PM and The Grille is asking to sell beer and wine in their parking lot. The application is complete and

abutters have been notified.

Ms. LaFrance joined the meeting. Chief Miglionico had no issues.

Mr. Hughes made a motion at 7:18 PM to close the public hearing.

Mr. Cortese seconded the motion. All-Aye.

Mr. Bonin made a motion to approve the One Day Liquor License for The Grille on Main for September 7 – September 9, 2018 as presented. Mr. Cortese seconded the motion. All-Aye.

3. Club Liquor License Change of Officers-Whitinsville Fish & Game Possible Vote(s) (01:00)

In the packet is an application, an Applicant's Statement and related emails and materials.

Mr. Cortese made a motion to approve the Club Liquor License Change of Officers for Whitinsville Fish & Game. Mr. Bonin seconded the motion. All-Aye.

4. Appointment: Board of Registrar-Sughrue- Possible Vote(s) (02:15)

In the packet is an application and related emails, memos and materials.

Mr. Cortese recused himself. Mr. Sughrue joined the meeting and expressed his interest in the Board of Registrar.

Mr. Bonin made a motion to appoint Kevin Sughrue to the Board of Registrar as the Democratic representative for a term ending June 30, 2021. Mr. Hughes seconded the motion. All-Aye-3, Mr. Cortese abstained.

Mr. Cortese rejoined the meeting.

5. Road Use Request: Greenway Challenge–Possible Vote(s) (08:18)

In the packet is a letter from Charles Thompson dated 7/27/18, a brochure, a Certificate of Liability, and related memos and materials.

Mr. Thompson, Chair of the Greenway Challenge, joined the meeting. He handed out maps and a written description of the route. The Challenge has been held in the Blackstone Valley for 18 years. This year, they are asking to have a mountain bike activity at Wallum Lake Park. The date of the event is September 29, 2018 between 10:45 AM and 2:00 PM.

Mr. Thompson outlined the roads that would be used. The participants will not be going through the center of Town. There will be police details. Chief Miglionico stated that there have been no issues in the past. The Fire Chief had no issues.

Mr. Hughes made a motion to approve the Road Use Request for the Greenway Challenge, September 29, 2018 from 10:45 AM – 2:00 PM. Mr. Cortese seconded the motion. All-Aye.

6. Potential Removal Vote: Conservation Commission Member (19:44)

In the packet is the Town of Douglas Code of Conduct, an email from Carol Bagdis dated 8/13/18, an email dated 8/6/18, and related materials.

Atty. Bowen outlined tonight's procedure and options. Steve, Carol, and Adam Bagdis, and Gary Vecchione took an oath, administered by Atty. Bowe, to

tell the truth during their testimony.

Steve and Carol Bagdis of 90 Peters Cove Road and Adam Bagdis of 819 Northwest Main Street joined the meeting and were sworn in by Atty. Bowen. Ms. Bagdis testified that she was in the back yard of their summer home when she heard someone yelling. Mr. Vecchione identified himself as a new member of the Conservation Commission (ConCom) and stated that he needed to talk to Ms. Bagdis. He asked to know if she was going to call the police on him. She and Mr. Vecchione walked around the property and Mr. Vecchione told Ms. Bagdis that she had boundary issues; she was on her neighbor's property.

At that point, Ms. Bagdis went to get her husband, Steve. Mr. Steve Bagdis was ill and Mr. Vecchione made a comment about his appearance. Mr. Vecchione asked Ms. Bagdis if her husband was going to punch him.

Mr. Steve Bagdis recounted his conversation with Mr. Vecchione, which included Mr. Vecchione asking Mr. Bagdis' occupation and asking if Ms. Bagdis was Mr. Bagdis' girlfriend.

Mr. Steve Bagdis told Mr. Vecchione about the issue with his dock that had brought him before the ConCom. The first time Mr. Steve Bagdis went before the ConCom, Mr. Vecchione was not a member and the topic of the meeting was the construction of the dock and how it affected the wetland environment. The second time Mr. Steve Bagdis went before the ConCom, Mr. Vecchione was a member and he continually talked about the property line. Mr. Steve Bagdis' engineer was told not to talk.

After the ConCom meetings, Mr. Steve Bagdis went to the Building Inspector to get a dock permit and was told that there are no dock permits. He was then told that the ConCom wanted a letter stating that Douglas does not have dock permits. A week and a half after that incident, Mr. Steve Bagdis was able to submit an application for a dock permit. Mr. Adam Bagdis confirmed that he was told by the Building Inspector that there are no dock permits. Mr. Wojcik stated that if you are on the water, you need a dock permit, which is issued by the ConCom.

Mr. Adam Bagdis stated that Mr. Vecchione was at his neighbor Tom's house before the ConCom meeting, the day of the meeting and after the meeting.

The Bagdises stated that the Conservation Agent, Steve Zisk, contacted them by telephone and came to their property to speak about the issues with the dock and take photos. Mr. Zisk was very professional.

Mr. Cortese confirmed with Ms. Bagdis that Mr. Vecchione stated, "Be nice to me and I can be your best friend." Ms. Bagdis also confirmed that at the time of Mr. Vecchione's visit, their engineer had not submitted any drawings of the dock, however Mr. Vecchione stated that he had already looked at drawings that showed a line out to the lake. Ms. Bagdis told Mr. Vecchione that she had been fined \$100, and he stated that it was his opinion that she should be fined \$100/day until the issue is fixed.

Mr. Vecchione joined the meeting. He stated that the Bagdises are filing complaints against him now because the ConCom's finding was not in their favor. He stated that the law does not say that a site walk has to occur with all the

ConCom members together at one time: that is impractical.

When he went to Peter's Cove Road, the Douglas Police had previously been called regarding his presence on a property on Perry Street, which is why he asked Ms. Bagdis if she was going to call the police on him-to diffuse the situation. He stated that his comments were "tongue in cheek". He spoke about obtaining his real estate license, about Material Defect, Attractive Nuisance, and his obligation to report something wrong with a property. Mr. Vecchione spoke about how the Bagdis dock was angled into the neighbor's property, and he wanted to rectify the situation so that the Town would not have a lawsuit against it due to a decision he made. His visit to the Bagdises was to "do the guy a favor" so he could see the situation.

Mr. Vecchione stated that he was slightly worried that Mr. Steve Bagdis would punch him because he came into his space and others have been "sucker punched" because of political views. He apologized for asking Ms. Bagdis if she was Mr. Bagdis' girlfriend; he was trying to make light talk. He thanked the Bagdises for coming before the BOS, and he stated he would not address any other complaints without the complainants present.

Mr. Morse stated that Material Defect and Attractive Nuisance are not ConCom issues. Mr. Vecchione disagreed. Mr. Morse asked if the Chair of ConCom asked Mr. Vecchione to do a site walk, and Mr. Vecchione said that she did not, that Maria Lajoie (ConCom Clerk) would tell him to do a site walk, but she did not tell him to do one for the Bagdis property because he was so new.

Mr. Cortese asked Mr. Vecchione if he said at the site walk that if they were nice to him he could be their best friend. Mr. Vecchione denied saying this. He stated that he said, "I'm your best friend on that board." Mr. Cortese asked Mr. Vecchione if he recalled saying that he had looked at drawings that showed a line out to the lake. Mr. Vecchione thinks he may have said he had seen a map, because he had not seen any drawings up to that point. Mr. Vecchione did not recall if he told Ms. Bagdis he felt she should have been fined \$100/day.

Regarding Mr. Vecchione's comments on Dynamic Douglas, Atty. Bowen stated that Mr. Vecchione has first amendment rights to post what he wants on social media, however he should not represent that he is doing so as a Town official.

Atty. Bowen clarified that MGL Ch 30a, sec 18 defines under Open Meeting law that site inspections do not need to be made by one person; inspections can be done by an entire board. Mr. Vecchione thought he was allowed to go by himself.

Chief Miglionico presented the BOS with the log of the call to the police regarding Mr. Vecchione's visit to Perry Street. Mr. Cortese asked Chief Miglionico if he was aware of any other calls to the police regarding ConCom members on private property. The Chief did not recall any.

Mr. Vecchione stated that he has learned from this experience, and he will not go to another site unless he has written authorization and a contact number for every applicant. He has sent emails to Mr. Wojcik and Ms. Lajoie to this effect.

Mr. Wojcik stated that memo items 4 and 5 are informational for the

Board. Regarding photos Mr. Vecchione took at 260 Southeast Main, Mr. Wojcik told Mr. Vecchione that he should not be investigating by himself, and any ConCom issues should be brought to Mr. Zisk's attention.

The BOS called a recess at 8:17 PM and resumed at 8:31 PM.

Mr. Morse recommended that Mr. Vecchione be given a two-week to one-month suspension to give Mr. Vecchione a chance to understand ConCom guidelines. Mr. Morse would like to consult with the Chair and Vice Chair of ConCom. Mr. Bonin does not feel that ConCom is the right post for Mr. Vecchione. Mr. Vecchione disagreed. Mr. Cortese stated that Mr. Vecchione's intentions may be honorable, however the results of his actions speak differently. He feels Mr. Vecchione has difficulty knowing what he is supposed to do. The BOS's intention in appointing Mr. Vecchione to ConCom was to fill a vacancy. Mr. Hughes is in agreement with Mr. Cortese and feels that Mr. Vecchione shows poor judgement.

Mr. Vecchione stated that if he is "kicked off" the board, he will challenge it. He has already talked to ACLU. He would accept a suspension.

Atty. Bowen instructed the BOS to not take into consideration anything that Mr. Vecchione has posted on social media. Atty. Bowen clarified the statute. He asked Mr. Vecchione, if the BOS votes to suspend him, will he request a public hearing? Mr. Vecchione stated that he would not. Atty. Bowen asked, if the BOS votes to remove him, would Mr. Vecchione request a public hearing? Mr. Vecchione said that he would.

Mr. Vecchione read a letter he prepared which stated that he has been told he has brought shame to Douglas. He takes exception to the slander, and if it happens again, they had better "lawyer up". He will not apologize for what he said about the Chinese restaurant, as it was meant as a witticism. He cited lawsuits he has won and stated "I don't take on lawsuits I can't win". He has notified the Civil Liberties Union of his plight. He apologized for putting the Town in a bad light, and he is confident he can act like a Conservation Commissioner the BOS can be proud of. Atty. Bowen requested that a copy of the letter be emailed to the Board. Mr. Vecchione agreed.

Discussions were held including type of reprimand, defining the reprimand, when to make that decision, and the process if Mr. Vecchione requests a hearing.

In response to Mr. Vecchione's question about whether or not he is entitled to have the Town pay for his legal services, Atty. Bowen outlined the specific situations that allow someone onto private property, and he stated that the Town of Douglas will not defend someone for actions taken without lawful authority.

Mr. Hughes made a motion to remove Gary Vecchione as a member of the Conservation Commission. Mr. Cortese seconded the motion. Vote: Aye-4.

Mr. Hughes made a motion to find that a member of the Conservation Commission should act in a professional manner. Mr. Cortese seconded the motion. Vote: Aye-4.

Mr. Hughes made a motion to find that Mr. Vecchione did not meet

the standard of conduct that was expected of him. Mr. Cortese seconded the motion. Vote: Aye-4.

Mr. Hughes made a motion to find that the testimony offered today under oath by the complainants was credible. Mr. Cortese seconded the motion. Vote: Aye-4.

Mr. Hughes made a motion to find that it was not proper for Mr. Vecchione, within the space of 8/2/18 to 8/4/18, to enter onto private property or conduct site investigations in a manner that led to calls to the Police Department. Mr. Cortese seconded the motion. Vote: Aye-4.

If he chooses to do so, once Mr. Vecchione claims the right of a public hearing, he is reinstated until the findings of the public hearing are reached.

7. Approve Minutes: August 7, 2018 Regular & Executive Sessions (2:36:47)

Mr. Cortese made a motion to approve the minutes of the July 17, 2018 regular session BOS meeting as presented and approve and retain in their entirety the minutes of the July 17, 2018 Executive session BOS meeting as presented. Seconded by Mr. Hughes. Vote: Aye-3, Mr. Morse abstained.

8. Town Administrator's Report (2:37:20)

In the packet is a memo from John Furno dated 8/10/18.

Mr. Wojcik stated that severe weather warnings are in effect from tonight into tomorrow afternoon. He asked that people call 911, not the Highway Dept. if power lines are down, etc. He asked that the public stay safe and check on neighbors.

Mr. Wojcik thanked The River Church and The Children's Haven for their work at Martin Road Park.

Mr. Wojcik thanked the people who organized the Dynamic Douglas Day.

Chief Miglionico joined the meeting and stated that a safety exchange zone has been established in the parking lot. The area is monitored and recorded 24/7.

Mr. Wojcik reminded the community that a significant amount of road work, namely paving and crack sealing, will be occurring between now and the first freeze. Mr. Wojcik welcomed feedback from residents.

Mr. Cortese stated that a resident brought to his attention that the fog lines on Manchaug Road stop at the Sutton/Douglas line. Manchaug Road was recently resurfaced by the State.

Mr. Wojcik stated that at last night's Building and Facilities Construction Committee meeting, there was a presentation of the LED streetlight replacement project design. There are six places where extra bright lights are being considered. Mr. Wojcik asked to be informed if there are more areas where someone would like extra bright lights to be considered.

Mr. Wojcik stated that the Economic Development Commission will have an open meeting on 9/13/18 at 7:00 PM to discuss residents' concerns/ideas regarding economic development in Town.

9. Old/New Business (2:49:14)

Old Business: Mr. Bonin asked if a flashing light could be placed on Main Street as you are coming from the east into Town.

New Business: There was no new business.

10. Executive Session – Litigation (2:50:52)

Mr. Hughes made a motion at 10:05 PM to go into Executive Session for the purpose of litigation and to return to regular session for the purpose of adjournment. Mr. Cortese seconded the motion. Roll Call Vote: Tim Bonin – Aye, Dave Cortese – Aye, Mike Hughes- Aye, Kevin Morse - Aye.

Mr. Hughes made a motion at 10:26 PM to leave Executive Session for the purpose of adjournment. Mr. Cortese seconded the motion. Roll Call Vote: Tim Bonin – Aye, Dave Cortese – Aye, Mike Hughes- Aye, Kevin Morse - Aye.

11. Adjournment

Mr. Hughes made a motion at 10:26 PM to adjourn. Mr. Cortese seconded the motion. All - aye.

Respectfully submitted,

Mary Wright
Recording Secretary